117th CONGRESS 2D Session S.
To amend title 18, United States Code, to require licenses to acquire or receive firearms, and for other purposes.
IN THE SENATE OF THE UNITED STATES
Mr. Booker introduced the following bill; which was read twice and referred to the Committee on
A BILL
To amend title 18, United States Code, to require licenses to acquire or receive firearms, and for other purposes.
1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the "Federal Firearm Li-
5 censing Act".
6 SEC. 2. LICENSE FOR THE PURCHASE OF FIREARMS.
7 (a) In General.—Chapter 44 of title 18, United

8 States Code, is amended by adding at the end the fol-

9 lowing:

1	"§ 932. License for the acquisition or receipt of fire-
2	arms
3	"(a) In General.—Except as provided in subsection
4	(d), it shall be unlawful for any individual to purchase or
5	receive a firearm unless the individual has a valid Federal
6	firearm license.
7	"(b) Establishment of Federal License To
8	Purchase or Receive Firearms.—
9	"(1) IN GENERAL.—The Attorney General shall
10	establish a Federal system for issuing a Federal fire-
11	arm license to eligible individuals for firearms trans-
12	ferred to such individual.
13	"(2) Requirements.—The system established
14	under paragraph (1) shall require that—
15	"(A) an individual shall be eligible to re-
16	ceive such a license if the individual—
17	"(i) has completed training in fire-
18	arms safety, including—
19	"(I) a written test, to dem-
20	onstrate knowledge of applicable fire-
21	arms laws; and
22	"(II) hands-on testing, including
23	firing testing, to demonstrate safe use
24	and sufficient accuracy of a firearm;
25	"(ii) as part of the process for apply-
26	ing for such a license—

1	"(I) has submitted to a back-
2	ground investigation and criminal his-
3	tory check of the individual;
4	"(II) has submitted proof of
5	identity;
6	"(III) has submitted the finger-
7	prints of the individual; and
8	"(IV) has submitted identifying
9	information on the firearm that the
10	person intends to obtain, including the
11	make, model, and serial number, and
12	the identity of the firearm seller or
13	transferor;
14	"(B) a license issued under the system is
15	available at a designated local office, which
16	shall be located in both urban and rural areas
17	"(C) the Attorney General shall issue or
18	deny a license under this section not later than
19	30 days after the date on which the application
20	for such license is received;
21	"(D) each license issued under this section
22	shall be valid for the purchase of a single fire-
23	arm, which shall be purchased not later than 30
24	days after the date on which the license is
25	issued;

1	(E) a license issued under the system
2	shall expire on the date that is 5 years after the
3	date on which the license was issued; and
4	"(F) the Attorney General shall provide
5	notice of an application for a license under this
6	section to the relevant State and local officials.
7	"(3) Background investigation.—
8	"(A) In General.—Before issuing a li-
9	cense under this section, the Attorney General
10	shall—
11	"(i) conduct a background investiga-
12	tion on the applicant; and
13	"(ii) deny any license if receipt of a
14	firearm would violate subsection (g) or (n)
15	of section 922 or any provision of State
16	law.
17	"(B) Poses a danger of bodily in-
18	JURY.—
19	"(i) Information from state and
20	LOCAL OFFICIALS.—After receiving the no-
21	tice described in paragraph (2)(F), rel-
22	evant State and local officials may submit
23	to the Attorney General information dem-
24	onstrating that the individual poses a sig-
25	nificant danger of bodily injury to self or

1	others by possessing, purchasing, or receiv-
2	ing a firearm.
3	"(ii) Denial.—
4	"(I) IN GENERAL.—The Attorney
5	General may deny a license under this
6	section if the Attorney General deter-
7	mines that the applicant poses a sig-
8	nificant danger of bodily injury to self
9	or others by possessing, purchasing,
10	or receiving a firearm, after exam-
11	ining factors the Attorney General
12	considers are relevant to the deter-
13	mination, including—
14	"(aa) history of threats or
15	acts of violence toward self or
16	others;
17	"(bb) history of use, at-
18	tempted use, or threatened use of
19	physical force by the applicant
20	against another person;
21	"(cc) whether the applicant
22	is the subject of or has violated a
23	domestic violence or stalking re-
24	straining order or protection
25	order;

1	"(dd) any prior arrest, pend-
2	ing charge, or conviction for a
3	violent or serious crime or dis-
4	orderly persons offense, stalking
5	offense, or domestic violence of-
6	fense;
7	"(ee) any prior arrest, pend-
8	ing charge, or conviction for an
9	offense involving cruelty to ani-
10	mals;
11	"(ff) history of drug or alco-
12	hol abuse or involvement in drug
13	trafficking;
14	"(gg) any recent acquisition
15	of firearms, ammunition, or other
16	deadly weapons; and
17	"(hh) involvement in fire-
18	arms trafficking or unlawful fire-
19	arms transfers; and
20	"(ii) history of unsafe stor-
21	age or handling of firearms.
22	"(II) Judicial review.—An ap-
23	plicant denied a license under sub-
24	clause (I) may file an action in the
25	appropriate district court of the

1	United States for seeking review of
2	the denial.
3	"(C) Rule of Construction.—Nothing
4	in this paragraph may be construed to modify
5	any other requirement for a background inves-
6	tigation relating to the acquisition or receipt of
7	a firearm in effect on the day before the date
8	of enactment of this section.
9	"(4) Revocation.—
10	"(A) IN GENERAL.—The Attorney General
11	shall revoke a license issued under this section
12	if the Attorney General determines that—
13	"(i) the licensee poses a significant
14	danger of bodily injury to self or others by
15	possessing, purchasing, or receiving a fire-
16	arm; or
17	"(ii) after a regular background inves-
18	tigation conducted by the Attorney Gen-
19	eral, the possession of a firearm would vio-
20	late subsection (g) or (n) of section 922 or
21	any provision of State law.
22	"(B) Notice and opportunity for a
23	HEARING.—
24	"(i) Notice.—Upon determining that
25	the licensee should have their license re-

1	voked under subparagraph (A), the Attor-
2	ney General shall provide notice to the li-
3	censee and to relevant State and local offi-
4	cials of the determination.
5	"(ii) Hearing.—For revocations
6	under subparagraph (A)(i), the Attorney
7	General shall provide a licensee an oppor-
8	tunity for a hearing in the appropriate dis-
9	trict court of the United States not later
10	than 30 days after the date on which a li-
11	cense is revoked under this paragraph to
12	appeal the revocation.
13	"(C) Procedures.—The Attorney Gen-
14	eral shall establish procedures to ensure that
15	any firearm is removed from any individual
16	when the individual's license is revoked under
17	this paragraph.
18	"(D) Return of firearms.—A firearm
19	removed under the procedures established under
20	subparagraph (C) may be returned to the indi-
21	vidual only if the individual's license is rein-
22	stated.
23	"(5) Renewal.—The Attorney General shall
24	establish procedures for the renewal of a license that

1 requires that the applicant satisfies the requirements 2 described in paragraph (2). 3 "(6) Enrollment in Rap Back.—The Attor-4 ney General shall enroll each individual who is 5 issued a license under this section in the Rap Back 6 service. 7 "(c) Record Keeping .—It shall be unlawful for any 8 individual to sell or otherwise dispose of a firearm to a person unless the individual reports the transaction to the 10 Attorney General not later than 3 business days after the date on which the firearm is sold or transferred, which 11 12 shall include identifying information on the firearm seller and on the firearm transferee, including the make, model, and serial number. 14 15 "(d) State Licenses.— 16 "(1) IN GENERAL.—Subsection (a) shall not 17 apply to an individual in a State if the Attorney 18 General determines that the State has a process for 19 issuing a State firearm license to eligible individuals 20 in the State with substantially similar requirements 21 to those described in subsection (b). 22 "(e) REGULATIONS.—The Attorney General may pro-23 mulgate regulations that the Attorney General determines are necessary to carry out this section.".

1 (b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the fol-3 lowing: "932. License for the acquisition or receipt of firearms.". 4 SEC. 3. POINT-OF-SALE BACKGROUND CHECK. 5 Section 922 of title 18, United States Code, is 6 amended by adding at the end the following: "(aa) Point-of-sale Background Checks.— 7 8 "(1) IN GENERAL.—It shall be unlawful for any 9 person who is not a licensed importer, licensed man-10 ufacturer, or licensed dealer to transfer a firearm to 11 any other person who is not so licensed, unless a li-12 censed importer, licensed manufacturer, or licensed 13 dealer has first taken possession of the firearm for 14 the purpose of complying with subsection (t). 15 "(2) Compliance.—Upon taking possession of 16 a firearm under paragraph (1), a licensee shall com-17 ply with all requirements of this chapter as if the li-18 censee were transferring the firearm from the inven-19 tory of the licensee to the unlicensed transferee. 20 "(3) Return.—If a transfer of a firearm de-21 scribed in paragraph (1) will not be completed for 22 any reason after a licensee takes possession of the 23 firearm (including because the transfer of the fire-24 arm to, or receipt of the firearm by, the transferee

would violate this chapter), the return of the firearm

25

1	to the transferor by the licensee shall not constitute
2	the transfer of a firearm for purposes of this chap-
3	ter.".
4	SEC. 4. PROHIBITION ON TRANSFER TO CERTAIN UNLI
5	CENSED PERSONS.
6	Section 922 of title 18, United States Code, as
7	amended by section 3 of this Act, is amended by adding
8	at the end the following:
9	"(bb) Prohibition on Transfer to Certain Un-
10	LICENSED PERSONS.—It shall be unlawful for any person
11	to—
12	"(1) sell or otherwise dispose of a firearm to
13	any person if such person does not have a license
14	issued under section 932 or a substantially similar
15	State law, as determined by the Attorney General
16	during the previous 30 days; or
17	"(2) fail to report to the relevant law enforce-
18	ment agencies the sale or disposal described in para-
19	graph (1).".